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10/564,514

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Magdalena Rotthausen

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WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
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EXAMINER

STEPHENSON, DANIEL P

ART UNIT

PAPER NUMBER

3672

MAIL DATE

DELIVERY MODE

09/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|----------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/564,514 | Applicant(s) ROTTAUSER, MAGDALENA | |
| | Examiner Daniel P. Stephenson | Art Unit 3672 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-48 is/are pending in the application.
- 4a) Of the above claim(s) 42-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 23-41 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/13/06, 3/14/06</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "13" has been used to designate both a check valve and a baseplate.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the spacers and the adjustable nozzles must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

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drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 23 is objected to because of the following informalities: the term "standpipe (3)" should be --standpipe (2)--. Appropriate correction is required.

4. Claim 30 is objected to because of the following informalities: the terms "annular channel" lack antecedent basis. Appropriate correction is required.

5. Claims 42-48 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 42-48 not been further treated on the merits.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 23, 33, 34, 39-41 are rejected under 35 U.S.C. 102(b) as being anticipated by White et al. (US 1,656,550). White et al. discloses a well for extracting ground water. It has a standpipe (10) having at least one filter pipe area (19) and comprising at least one pump (25)

located in the standpipe. Associated with the filter pipe area is a spraying device (37) for spraying the filter pipe area and/or the well area adjacent to the filter pipe area. The spraying device is connected to at least one pressure line (33) to supply the spraying device with a medium to be sprayed. The supply line is connected to a supply device (30). The supply device will supply the fluid in pressure surges; these surges correspond with the pumping action. The fluid will consist of water from the well.

8. Claims 23-25, 30, 32-34 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Every (US 1,762,012). Every (fig. 5) discloses a well for extracting ground water. It has a standpipe (A) having at least one filter pipe area and comprising at least one pump (G) located in the standpipe. Associated with the filter pipe area is a spraying device (24) for spraying the filter pipe area and/or the well area adjacent to the filter pipe area. The spraying device is connected to at least one pressure line (17) to supply the spraying device with a medium to be sprayed. The supply line is connected to a supply device that will supply compressed air at a constant pressure. This leads to an annular chamber (15) that has a plurality of nozzles (24). The nozzles are aligned axially with the standpipe. None of the nozzles is directed downward. The filter pipe area projects over the lower end of the outer standpipe.

9. Claims 23, 32-34, 39 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Harkins (US 3,548,935). Harkins (fig. 4) discloses a well for extracting ground water. It has a standpipe (60) having at least one filter pipe area (64) and comprising at least one pump (62) located in the standpipe. Associated with the filter pipe area is a spraying device (70) for spraying the filter pipe area and/or the well area adjacent to the filter pipe area. The spraying device is connected to at least one pressure line (68) to supply the spraying device with a

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medium to be sprayed. The supply line is connected to a supply device (74). The supply device will supply the fluid in pressure surges; these surges correspond with the pumping action. The supply line supplies compressed air through a pump.

10. Claims 23, 32, 33, 34 and 39-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Chapmon (US 1,599,744). Chapmon discloses a well for extracting ground water. It has a standpipe (6), inside an outer standpipe (5) having at least one filter pipe area (7) and comprising at least one pump (11) located in the standpipe. Associated with the filter pipe area is a spraying device (16) for spraying the filter pipe area and/or the well area adjacent to the filter pipe area. The spraying device is connected to at least one pressure line (13) to supply the spraying device with a medium to be sprayed. The supply line is connected to a supply device (14). The supply device will supply the fluid in pressure surges; these surges correspond with the pumping action. The fluid will consist of water from the well. The pump is operable during the cleaning operation.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 31 and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Every. Every shows all the limitations of the claimed invention, except, it does not disclose that the pressure line is made of plastic or stainless steel. Nor does it disclose there is a pressure

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limiter or time clock or that the water is flowed through an alternative outlet for a predetermined time during the spraying.

With regards to claim 31, it is taken as Official Notice that wellbore pipes are commonly made from either PVC or stainless steel. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the pressure line of Every from stainless steel. This would be done because it is a common material in the pipe art.

With regards to claim 35-38, all of these features result from the automation of the system of Every. It would have been obvious to one of ordinary skill in the art at the time the invention was made to automate the system of Every since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

13. Claims 26 and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Every in view of White et al. Every shows all the limitations of the claimed invention, except, it does not disclose that the nozzles are adjustable. Nor does it disclose that the inner standpipe is spaced from the outer standpipe by spacers that extend beyond the pressure line. White et al. discloses a well cleaning apparatus. It has adjustable nozzles (37) for the direction of fluid. The nozzles are broadly read as adjustable because they are capable of being swapped in and out. It also has spacer rings (12). These rings provide spacing between the inner pipe and the outer pipe. The rings extend past the pressure lines. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the nozzles and rings of White et al. with the apparatus of Every. This would be done to provide direction for the cleaning medium and to maintain the centering of the inner pipe.

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14. Claims 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Every in view of White et al. as applied to claims 24 and 26 above, and further in view of Harkins. Every in view of White et al. shows all the limitations of the claimed invention, except, it does not disclose that there is a spring loaded check valve in the nozzle. Harkins discloses a cleaning apparatus. The apparatus has a nozzle for cleaning fluid to pass through. The nozzle is provided with a spring loaded check valve (72) to limit backwash. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the check valve of Harkins with the apparatus of Every in view of White et al. This would be done to prevent backflow into the nozzle.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sanford, Jr., Gunderson, Littlejohn, Judy, Von Gunten and Ravensbergen et al. all show similar features to those of the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Stephenson whose telephone number is (571) 272-7035. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Gay can be reached on (571) 272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Bagnell
Supervisory Patent Examiner
Art Unit 3672

DPS 